

Amendments to House Bill No. 483
1st Reading Copy

Requested by Representative Art Noonan

For the House Federal Relations, Energy, and Telecommunications
Committee

Prepared by Todd Everts
February 21, 2009 (6:38am)

1. Page 1, line 23.

Following: "period"

Insert: "unless there is a material change as a result of the
permit, applicable rule or law, or because of a judicial
decision, "

2. Page 2, line 8.

Following: "period"

Insert: "unless there is a material change as a result of the
permit, applicable rule or law, or because of a judicial
decision, "

3. Page 2, line 9.

Following: "(c)"

Insert: "(i)"

Strike: "If"

Insert: "Except as provided in subsection (1)(c)(ii), if"

4. Page 2, line 10.

Strike: "the board or"

5. Page 2, line 11 through line 14.

Following: "employees" on line 11

Insert: "."

Strike: "unless" on line 11 through "injunctions." on line 14

Insert: "(ii) The court may not require a written undertaking
if:

(A) the board or the district court determines that:

(I) issuance of the permit was prohibited by statute; or

(II) the request for a hearing or judicial review was not
for an improper purpose designed to harass, cause delay, or
improperly interfere with the issuance of the permit; or

(B) the party requesting the hearing is an indigent person."

6. Page 2, line 18.

Strike: "clear and convincing evidence"

Insert: "preponderance of the evidence"

7. Page 2.

Following: line 24

Insert: "(b) The applicant may not construct during the period that the time period is tolled under subsection (3)(a)."

8. Page 2, line 26 through line 27.

Strike: "This" on line 26 through "shown." on line 27

9. Page 17, line 22.

Strike: "If"

Insert: "(1) Except as provided in subsection (2), if"

10. Page 17, line 25 through line 27.

Following: "permittee" on line 25

Insert: "."

Strike: "unless" on line 25 through "injunctions." on line 27

Insert: "(2) The district court may not require a written undertaking if:

(a) the district court determines that:

(i) issuance of the permit was prohibited by statute; or

(ii) the request for judicial review was not for an improper purpose designed to harass, cause delay, or improperly interfere with the issuance of the permit; or

(b) the party requesting the hearing is an indigent person."

11. Page 18, line 8.

Following: "period"

Insert: "unless there is a material change as a result of the permit, applicable rule or law, or because of a judicial decision,"

- END -